

REMARKS

This Amendment is responsive to the Office Action mailed July 30, 2007. The Examiner's comments in the Office Action have been considered.

Claims 34-45 have been finally rejected. Claims 34 has been rejected as being obvious on the basis of Helferich in view of or when combined with the publication to Wu, for reasons set forth in paragraph 4 of the Office Action.

Initially, in paragraph 2 of the Office Action, the Examiner has indicated that the applicant's attempt to claim the benefit of Parent Application No. 09/578,756 is inappropriate because the aforementioned parent application was "silent" in connection with the claim language requiring that the information remain available at the mail center following receipt of the requested specified services notwithstanding possible deletion of the information from the sending and receiving computers. Since claims 41-45 have now been cancelled, the discussion with regard to the sending of an authentication database it now believed to be moot. However, the Examiner's characterization that the parent application is silent with regard to the aforementioned requirement set forth in claim 34 is respectfully traversed. The earlier application, filed on May 25, 2000, was by no means silent on the feature mentioned. In fact, the entire crux of the application was to provide a system and method for providing specialized email services that protected the sender and/or the user in controversies, including legal ones, that might take place long after the emails, and possible attachments thereto, had been transmitted. This is discussed in the "Background of the Invention" section of the parent application Serial No. 09/578,756 (see, for example, page 1 of the application, paragraph 3). In the discussion of the prior art, applicants indicated that with regard to certain prior art systems, such as the UPS

Document Exchange, documents could, at the time of filing, be automatically saved on the UPS online carrier server for up to thirty (30) days. Therefore, if a controversy between the parties arose after the thirty (30) days, and both parties had independently deleted their files or contents from their computers there would be no way to establish the nature or content of the messages or information that was sent and agreed to by the parties. At page 15 of the parent application, applicants clearly indicated an object of the invention included storing email notifications for future possible use and reference, as well as storing the “contents of the email message to be stored” for future possible use and reference. At page 25 of the parent application applicants stated that the email center 30 additionally “stores the contents of the email in the databank 36 for future access and/or use.” At page 28 of the parent application applicant distinguished a “certified” return receipt being stored in the databank 36 but what has been characterized as a “registered” receipt in which the “contents” at the email center is stored in the data storage bank 36 (page 28). The parent application again clearly teaches that one of the properties of the disclosed system is the storage of a copy of the contents of the message sent to the databank, at page 29. It is respectfully submitted that it would be clear to a person skilled in the art that the teaching of the parent application was clearly to provide a scheme for providing independent storage facilities, at the email center, where not only notifications but also the full contents of messages and attachments could be stored for future reference, particularly when specifically requested that such information be stored by a sender or receiver of the message. In view of the foregoing, it is respectfully submitted that the parent application does, in fact, clearly teach that information remain available at the email center following a receipt of the requested specified service,

notwithstanding any activity that may take place at either the sending or receiving computers. A person skilled in the art would clearly understand and appreciate that if such information was retained on the sending and receiving computers there would be absolutely no reason, benefit or use of additionally storing this information at a separate independent email center which can be relied upon for future access of such information. In view of all of the foregoing, applicant's patent application Serial No. 09/578,756 did contain the teachings referred to in claim 34 and, therefore, applicants should be entitled to their earlier filing date of May 25, 2000. Once such date becomes an effective filing date for the subject application, the Wu publication can no longer be a reference as its earliest effective date is January 2, 2001.

Additionally, the Examiner appears to have failed to give any weight to the language contained in the "whereby" clause in claim 34, for the reasons set forth on page 2 of the Office Action. By this amendment, applicants have amended claim 34 to move the language in question outside of the "whereby" clause to thereby make it a positive requirement of the storing step. It is respectfully requested, therefore, that claim 34 be reconsidered as well in light of this revision.

Subsequent to the mailing of the Final Office Action, the undersigned attorney for applicant conducted a telephone conference with Examiner Calvin Hewitt to discuss the rejections and the prior art. The Examiner's time and helpful suggestions during the telephone conference is appreciated. It is believed, that pursuant to such telephone conference, that claim 34 now more clearly and patentably distinguishes over the applied art. Thus, for example, while emails are inherently stored by most email providers these are typically stored for a predetermined period of time or until a predetermined amount of

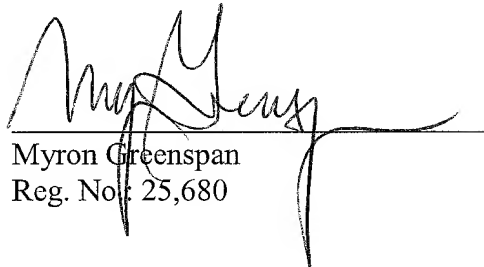
memory has been consumed. At that point, most email users have no choice but to start to delete emails from the network. They can, of course, try to save the email and attached content to their own hard drive. However, the information stored on a transmitting or receiving computer might not be as creditable as such information stored in a independent email server since either the sender or receiver can tamper with and modify stored information. By storing the information at an independent email server the information is assured to remain available and uncorrupted, irrespective of automatic or manual deletion by the actual email participants. Furthermore, and equally importantly, the retrieval of the information from the email server is much more credible, from an evidentiary point of view, as it cannot be corrupted by either one of the parties that may ultimately end up in a controversy over this information. It is respectfully submitted that the application as filed, as well as the parent application, would clearly contain such teaching, as would be well understood to those skilled in the art. Therefore, while email is “inherently” stored, it may not be stored indefinitely, not for all email users, and not on a independent email storage system with its inherent benefits and advantages. In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 34-40. In this connection, claim 40 does not add new matter, and does not raise new issues, as all the text in the claim was previously contained in claim 34, the claim merely being rewritten or rearranged to highlight the novelty of the claimed system. The Examiner has indicated that an amendment along the lines made herein might be favorably considered.

Early allowance and issuance of this application is, accordingly, respectfully solicited.

Dated: October 30, 2007

Lackebach Siegel LLP
One Chase Road
Scarsdale, New York 10583
(914) 723-4300
mgreenspan@LSLLP.com

Respectfully submitted,



Myron Greenspan
Reg. No: 25,680